THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 18773 of 2004

and

W.P. No. 6089 of 2006

Common order:

These two writ petitions arise out of the award dated 31.03.2004, passed by the Industrial Tribunal-cum-Labour Court, Hyderabad, in L.C.I.D. No. 133 of 2003. W.P. No. 18773 of 2004, filed by the Singareni Collieries Company Limited, questions the award directing them to appoint the workman as Coal Filler on the starting pay, while W.P. No. 6089 of 2006, filed by the workman questions the award insofar as it denies him continuing of service and backwages.

The learned counsel appearing on behalf of Singareni Collieries Company Limited submitted that the Labour Court having held that the domestic enquiry was validly conducted, committed an error in directing the management to provide employment to the workman as Coal Filler on starting pay, and that too without assigning any reason, which is illegal and arbitrary. On the other hand, the learned counsel appearing on behalf of the workman contended that the Labour Court having directed the management to provide employment to the workman as Coal Filler on starting pay, committed an error in denying continuity of service and backwages, and more so without any reason, which is illegal and arbitrary. He submitted that though the workman filed several documents, the Labour Court has not reflected any document in its award.

However, after arguing for some time, both the counsel for the management as well as the workman submitted that the matter be remanded to the Labour Court for proper appreciation of the evidence on record and for passing a reasoned order.

In view of the agreed stand taken by both the counsel,
I deem it appropriate to dispose of the writ petitions with the following directions:

The impugned award is set aside and the matter is remanded to the Labour

Court. The Labour Court shall appreciate the evidence on record, including the documents filed by the workman in the light of the arguments advanced by the parties, and dispose of the I.D. by means of an appropriate reasoned award, expeditiously. No costs.

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N.V. RAMANA, J.

Date: 4th April, 2006

KSR